

Remarks

Claims 1-13, 15-20, 23, 34, 35 and 50-53 have been rejected under the judicially created doctrine of double patenting over claims 1, 2, 11-17, 20, 21, 26, 27 and 29 of Application Serial No. 09/822,795, now U.S. Patent No. 6,523,921.

Claims 1, 5, 10 and 15 have been rejected under 35 U.S.C. §102(b) as anticipated by Schwede et al. U.S. Patent No. 5,757,389, and claims 34-36, 41 and 42 are rejected under 35 U.S.C. §102(b) as being anticipated by Stellmach et al. U.S. Patent No. 5,172,987. Claims 24 and 31-33 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Schwede in view of Stellmach.

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Applicant is submitting a terminal disclaimer herewith to overcome the double patenting rejection. The double patenting rejection was the only basis for the rejection of original claims 2-4, 6-9, 11-13, 16-20 and 50-53, which would be allowable as a result of the terminal disclaimer.

Applicant is amending claims 1, 3 and 4 to include two independent claims, claims 1 and 3, which include features from former dependent claims 2 and 3, respectively. Also, applicant is amending claims 5 and 6 to independent claims, claims 5 and 6, which include features of former dependent claims 9 and 6, respectively. Further, applicant is amending claims 10-13 such that claim 10 includes features from former dependent claim 13. Applicant is also amending claim 15 to include the features of former dependent claim 16, which is being canceled. Additionally, applicant is amending claim 34 to include features from claims 52 and 53.

While the independent claims, as amended, do not contain each and every limitation of dependent claims that were otherwise allowable but for the double patenting rejection, it is submitted that they nonetheless are allowable over the Schwede and Stellmach references. The independent claims, as amended all include features from the allowable claims that are neither anticipated nor suggested by the cited references considered alone or together.

Neither reference suggests the adjusting of the nozzle to substrate distance in combination with jetting UV curable ink from the nozzle across the predetermined distance onto the surface of a substrate and at least partially curing the ink jetted onto the surface by exposing the jetted ink to ultraviolet light. Neither reference suggests sensing the position of the surface of the substrate and adjusting of the distance from the nozzle in response thereto to position the nozzle at a predetermined distance across which ink is then jetted. Nothing in the references suggests making a nozzle to substrate adjustment to jet ink onto a variable surface. Nothing in the references suggests using a non-contact, distance measuring device that includes a light source and light detector. Nothing in the references suggests using a control system which receives the information detected by a sensor and transmits signals to a motor coupled to a printhead carriage to instruct the motor to adjust the position of the print heads to maintain a desired gap between the print heads and the substrate.

Claims 26 and 27 were further rejected under 35 U.S.C. §103(a) as being unpatentable over Schwede in view of Fassler et al U.S. Patent No. 5,910,813, and claim 38 was rejected under 35 U.S.C. §103(a) as being unpatentable over Stellmach in view of Fassler. In light of the amendments and arguments above, it is submitted that these rejections are moot in that these claims are dependent on otherwise allowable claims.

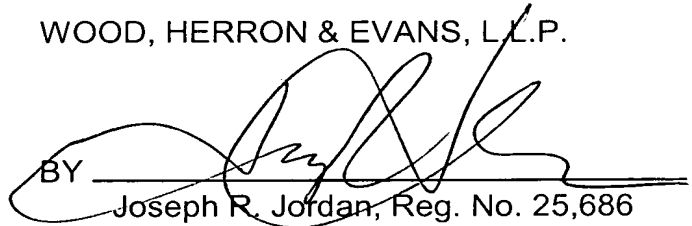
For the reasons stated above, it submitted that the claims, as amended, are patentable over the cited references in view of the amendments and the terminal disclaimer. Accordingly, an early allowance is respectfully requested.

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Amendment and Response dated June 30, 2005
Reply to Office Action of April 18, 2005

Enclosed is a check in the amount of \$200 for one added independent claim and a check in the amount of \$130 as required for the Terminal Disclaimer. Applicant does not believe that any additional fees are due in connection with this submission. However, if such extension is due or any other fees are necessary, the Commissioner may consider this to be a request for such and charge any necessary fees to deposit account 23-3000.

Respectfully submitted,

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